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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,153	06/25/2003	Angelo Tortola	TKC	3553
32835	7590	05/23/2007		
JOSEPH STECEWYCZ			EXAMINER	
P.O. BOX 1309			PERVAN, MICHAEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,153

Applicant(s)

TORTOLA, ANGELO

Examiner

Michael Pervan

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6-8, 14-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahi et al (US 6,084,584) in view of Want et al (5,818,425).

In regards to claim 1, Nahi discloses a remote display system suitable for transmitting a data output signal for providing a display at a remote location, a remote display system comprising:

a base station, said base station including;

a computer for providing the data output signal (see Figure 1 and col. 6, lines 18-23),

a control processor (CPU) for converting the data output signal into a control and data interface radio frequency (RF) signal (see Figure 1 and col. 6, lines 23-28) and

a RF transmitter (transceiver) for broadcasting said control and data interface RF signal (see Figure 1 and col. 6, lines 56-63); and
at least one display device, each display device including;

a RF receiver (transceiver 88) for receiving said control and data interface RF signal (see Figures 1, 3 and col. 3, lines 23-31),

Art Unit: 2629

a display controller (72, 76) for converting said control and data interface RF signal into the data output signal (see Figure 3 and col. 10, lines 62-65),

a display unit (32) for providing a display corresponding to the data output signal (see Figures 1, 2A and 3 and col. 7, lines 64-66); and

a power supply for providing power to said RF receiver (transceiver), to said display controller and to said display unit (power controller 70) (Fig. 3).

Nahi does not disclose a power supply for providing power only to said RF receiver, to said display controller and to said display unit.

Want discloses a RF (wireless) receiver, display controller (computer) and display unit (display screen) (col. 1, line 65-col. 2, line 6; it would be inherent that there be a power supply to power the components).

It would have been at the time of invention to modify Nahi with the teachings of Want, a RF (wireless) receiver, display controller (computer) and display unit (large display screen), by replacing the display device of Nahi with the display device of Want because it would allow more people to view the display at one time.

In regards to claim 2, Nahi discloses a control and data interface RF signal comprising display information (see Figure 1 and col. 3, lines 59-68; col. 4, lines 1-21; col. 7, lines 19-25; since the host computer is running the operating system and the tablets can operate the host computer without a physical connection there must be some visual representation on the tablet's LCD in order for the user to operate it).

In regards to claim 3, Nahi discloses display information being generated by the host computer (see Figure 1 and col. 4, lines 9-21; col. 7, lines 19-25; since the host

Art Unit: 2629

computer is running the operating system and the tablets can operate the host computer without a physical connection the host computer must generate the signal and then send it to the tablet).

In regards to claim 4, Nahi discloses display information obtained from at least one of a remote server and a remote operator via the internet (see Figure 1 and col. 7, lines 33-40).

In regards to claim 6, Nahi discloses RF transmitter (transceiver) and receiver (transceiver) each operating at a frequency comprising a member of the group consisting of a 400 and 900 MHz band (col. 6, lines 61-63; the wireless transceivers must be of the RF type since a low-power 900 MHz frequency is implemented).

In regards to claim 7, Nahi discloses a RF receiver (transceiver) powered by a battery (col. 9, lines 27-29; since the tablet houses a transceiver and the tablet is powered by a battery it is therefore inherent that the transceiver is also powered by the battery).

In regards to claim 8, Nahi discloses a display unit comprising of a LCD (col. 7, lines 64-65).

In regards to claims 14-15 and 20, they claim method steps paralleled to the structural means cited in claims 1, 6, 4 respectively and are therefore rejected for the same reasons, see MPEP 2112.02 *In re King* ("When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process").

Art Unit: 2629

2. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahi et al in view of Want et al in view of Axler et al (US 5,305,197).

In regards to claim 5, Nahi and Want do not disclose display information comprising at least one of an advertisement, a banner and product data.

Axler discloses display information comprising at least one of an advertisement, a banner and product data (col. 4, lines 22-24 and 46-53; the scroll sign acts as a banner since sign programming data is sent to it, the signal contains banner data). It would have been obvious at the time of invention to modify Nahi with the teachings of Axler because it would allow a user to purchase a product or find the new product or price of the product on the hand-held device.

3. Claims 9-12 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahi et al in view of Briechle (6,130,603) in view of Axler et al.

In regards to claim 9, it includes all of the limitations of claim 1, but also further limits by adding a duplex signal and a single RF software module that includes a controller and RF receiver/transmitter similar to that of claim 1, see claim 1 rejection.

Nahi discloses the use of a duplex signal (bi-directional signal) (col. 6, lines 56-61).

Nahi does not disclose a RF transceiver and controller as one subsystem.

Briechle discloses a RF transceiver and controller as one subsystem (col. 3, lines 54-64).

It would have been obvious at the time of invention to modify Nahi with the teachings of Briechle since power would be conserved.

Art Unit: 2629

In regards to claim 10, Nahi and Briechle do not disclose a display device further comprising a proximity sensor.

Axler does disclose a display device comprising a proximity sensor (col. 4, lines 19-22). It would have been obvious at the time of invention to modify Nahi with the teachings of Axler since it would allow for detection of traffic and consumers in the area.

In regards to claim 11, Nahi and Briechle do not disclose a controller configured to read signals from a proximity sensor.

Axler discloses a controller configured to read signals from a proximity sensor (see Figure 13). It would have been obvious at the time of invention to modify Nahi with the teachings of Axler because it would allow the controller to keep track of traffic and consumers in the area.

In regards to claim 12, Nahi discloses a display device comprising a touch screen for providing feedback from a user (col. 10, lines 66-67 and col. 11, line 1).

In regards to claims 16-19, they claim method steps paralleled to the structural means cited in claims 12, 11, 12, 12 respectively and are therefore rejected for the same reasons, see MPEP 2112.02 *In re King* ("When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process").

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pervan whose telephone number is (571) 272-0910. The examiner can normally be reached on Monday - Friday between 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MVP
May 18, 2007

AMR A. AWAD
SUPERVISORY PATENT EXAMINER

